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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNIVERSAL POLYGRAM INTERNATIONAL PUBLISHING, INC., REALSONGS, WB MUSIC CORP., BROTHER JUMBO MUSIC, and MILKSONGS, Plaintiffs,	:	Civil Action No.
v.	:	**COMPLAINT**
318 PASSAIC AVE, L.L.C., RIVERSIDE MANAGEMENT, L.L.C., FRANK L. OLIVER, SR., and JENNIFER PERRONE, Defendants.	:	

Plaintiffs, by their undersigned attorneys, allege:

1. The names and addresses/principal places of business for the parties to this action are as follows: (i) plaintiff Universal Polygram International Publishing, Inc., 2100 Colorado Avenue, Santa Monica, California 90404; (ii) plaintiff Realsongs, 6363 Sunset Boulevard, 8th Floor, Hollywood, CA 90028 ; (iii) plaintiff WB Music Corp., 10585 Santa Moncia Boulevard, Los Angles, CA 90025; (iv) plaintiff Brother Jumbo Music,10585 Santa Moncia Boulevard, Los Angles, CA 90025; (v) plaintiff Milksongs, 2850 Ocean Park Boulevard, Suite 300, Santa Monica, CA 90405; (vi) defendant 318 Passaic Ave, LLC, 318 Passaic Avenue, Fairfield, New Jersey 07004; (vii) defendant Riverside Management, LLC, 5 Sicomac Road, Suite 172, North Haledon, NJ 07058; (viii) defendant Frank L. Oliver, Sr., 30 Godwin

Drive, Wyckoff, NJ 07481; and (ix) defendant Jennifer Perrone, 74 Glenroy Road, Fairfield, NJ 07004.

2. This is a suit for copyright infringement under Title 17 of the United States Code.

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a), and venue in this District is proper pursuant to 28 U.S.C. § 1400(a).

4. Plaintiffs allege four (4) causes of action for copyright infringement based on the Defendants' public performances of Plaintiffs' copyrighted musical compositions. SCHEDULE A, annexed to the Complaint, sets forth in summary form the allegations hereinafter made with respect to the Plaintiffs, their copyrighted musical compositions, and Defendants' acts of infringement.

THE PARTIES

5. The Plaintiffs named in Column 2* are the owners of the copyrights in the works listed in Column 3, and are properly joined in this Complaint under Rule 20 of the Federal Rules of Civil Procedure.

6. On information and belief, defendant 318 Passaic Ave, L.L.C. ("318PA"), is a limited liability company organized under the laws of New Jersey, with a place of business located at 318 Passaic Avenue, Fairfield, New Jersey 07004.

7. At all times hereinafter mentioned 318PA did, and still does, own, control, manage, operate, and maintain a place of business for public entertainment, accommodation, amusement, and refreshment known as Franklin Steakhouse and Tavern ("Franklin Steakhouse"), located at 318 Passaic Ave., Fairfield, New Jersey 07004.

8. Musical compositions were and are publicly performed at Franklin Steakhouse.

9. On information and belief, defendant Jennifer Perrone ("Perrone") is an individual who resides and/or does business in this District.

* All references to "columns" herein refer to the numbered columns set forth in SCHEDULE A.

10. On information and belief, defendant Perrone is a managing member and/or owner of 318PA.

11. On information and belief, defendant Riverside Management, L.L.C. ("Riverside Management") is a limited liability company organized under the laws of New Jersey, with offices in North Haledon, New Jersey.

12. On information and belief, defendant Riverside Management is a managing member and/or owner of 318PA.

13. On information and belief, defendant Frank L. Oliver, Sr. ("Oliver," and, together with 318PA, Perrone, and Riverside Management, "Defendants") is an individual who resides and/or does business in this District.

14. On information and belief, defendant Oliver is a managing member and/or owner of Riverside Management.

15. At all times hereinafter mentioned, Perrone, Riverside Management, and Oliver were, and still are, responsible for the control, management, operation, and maintenance of the affairs of 318PA, LLC.

16. At all times hereinafter mentioned, Defendants jointly had, and still have, the right and ability to supervise and control the activities that take place at Franklin Steakhouse, including the right and ability to supervise and control the public performance of musical compositions at Franklin Steakhouse.

17. Each Defendant derives a direct financial benefit from the public performance of musical compositions at Franklin Steakhouse.

FACTS SPECIFIC TO DEFENDANTS' INFRINGEMENT OF PLAINTIFFS' COPYRIGHTED MUSICAL COMPOSITIONS

18. The Plaintiffs are all members of the American Society of Composers, Authors, and Publishers ("ASCAP"), a membership association that represents, licenses, and protects the public performance rights of its more than 600,000 songwriter, composer, and music publisher members.

19. Each ASCAP member grants to ASCAP a non-exclusive right to license the performing rights in that member's copyrighted musical compositions. On behalf of its members, ASCAP licenses public performances of its members' musical works, collects license fees associated with those performances, and distributes royalties to its members, less ASCAP's operating expenses.

20. Since October 2012, ASCAP representatives have made more than 50 attempts to contact the Defendants, or their representatives, agents, or employees, to offer an ASCAP license for Franklin Steakhouse. ASCAP has contacted Defendants, or their agents, by phone, by mail, by fax, by e-mail, and in person.

21. Defendants have refused all of ASCAP's offers of a license for Franklin Steakhouse.

22. ASCAP's various communications gave Defendants notice that unlicensed performances of ASCAP's members' musical compositions at Franklin Steakhouse constitute infringement of ASCAP's members' copyrights.

23. Notwithstanding the foregoing, Defendants have continued to present public performances of the copyrighted musical compositions of ASCAP members at Franklin Steakhouse, including the copyrighted works involved in this action, without permission, during the hours that Franklin Steakhouse is open to the public for business and presenting musical entertainment.

24. The original musical compositions listed in Column 3 were created and written by the persons named in Column 4.

25. The original musical compositions listed in Column 3 were published on the date stated in Column 5, and since the date of publication have been printed and published in strict conformity with Title 17 of the United States Code.

26. The Plaintiffs named in each cause of action, including their predecessors in interest, if any, complied in all respects with Title 17 of the United States Code, secured the exclusive rights and privileges in and to the copyright of each composition listed in Column 3,

and received from the Register of Copyrights a Certificate of Registration, identified as set forth in Column 6.

27. The composition named in cause of action 1 is now in the renewal term of copyright, secured by the due filing of applications for renewal of copyright in the office of the Register of Copyrights. The Register of Copyrights thereupon issued Certificates of Registration of the claims of the renewal of copyright in the name of the claimants listed in Column 7. The date and identification number of the renewal certificates are set forth in Column 8.

28. Defendants, on the dates specified in Column 9, and upon information and belief, at other times prior and subsequent thereto, infringed the copyright in each composition named in Column 3 by giving public performances of the compositions at Franklin Steakhouse, for the entertainment and amusement of the patrons attending said premises, and Defendants threaten to continue such infringing performances.

29. The public performances at Franklin Steakhouse of the Plaintiffs' copyrighted musical compositions on the dates specified in Column 9 were unauthorized: neither Defendants, nor any of the Defendants' agents, servants or employees, nor any performer was licensed by, or otherwise received permission from any Plaintiff, or any agent, servant, or employee of any Plaintiff, to give such performances.

30. In undertaking the conduct complained of in this action, Defendants knowingly and intentionally violated Plaintiffs' rights.

31. The many unauthorized performances at Franklin Steakhouse include the performances of the four (4) copyrighted musical compositions upon which this action is based.

32. At the times of the acts of infringement complained of, the Plaintiff named in each cause of action was the owner of the copyright in the composition therein named.

33. The said wrongful acts of the Defendants have caused and are causing great injury to the Plaintiffs, which damage cannot be accurately computed, and unless this Court restrains the Defendants from the further commission of said acts, said Plaintiffs will suffer irreparable injury, for all of which the said Plaintiffs are without any adequate remedy at law.

WHEREFORE, Plaintiffs pray:

I. That Defendants and all persons acting under the direction, control, permission, or authority of Defendants be enjoined and restrained permanently from publicly performing the aforementioned compositions -- or any of them -- and from causing or permitting the said compositions to be publicly performed at Franklin Steakhouse, or in any place owned, controlled, managed, maintained, or operated by Defendants, and/or from aiding or abetting the public performance of such compositions in any such place or otherwise.

II. That Defendants be decreed to pay such statutory damages as to the Court shall appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars ($30,000) nor less than Seven Hundred And Fifty Dollars ($750) in each cause of action herein.

III. That Defendants be decreed to pay the costs of this action and that a reasonable attorney's fee be allowed as part of the costs.

IV. For such other and further relief as may be just and equitable.

SCHUMANN, HANLON LLC
Attorneys for Plaintiffs

Dated: May 2, 2017

By: s/ David K. DeLonge
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